IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

WEDNESDAY, THE TWENTY SEVENTH DAY OF APRIL
TWO THOUSAND AND FIVE

PRESENT

**THE HON'BLE MRS JUSTICE T.MEENA KUMARI**

**and**
**THE HON'BLE MR JUSTICE L.NARASIMHA REDDY**

**WRIT APPEAL NO : 934 of 2005**

(Writ Appeal under Clause 15 of the Letters Patent against the Order dated 23.03.2005 in WP NO:21279 OF 2004 on the file of the High Court.)

Between:

Management of P.R.S.M. National Junior College, Bhavanipuram, Vijayawada, Rep. by its Correspondent,

**..... APPELLANT**

AND

1 A. Ramesh S/o. Veeraraghavaiah, D.No.40-25-14, Jaastivari Street Patamatalanka,. Vijayawada.
2 The Commissioner of Intermediate Education, Andhra Pradesh, Saifabad, Hyderabad.
3 The District Educational Officer, Krishna District at Vijayawada.
4 The Senior Superintendent of Post Offices, Vijayawada.

**.....RESPONDENTS**

**Counsel for the Appellant : Mr.D.V.SITARAMAMURTHY**

**Counsel for Respondent No.1 : Mr.K.BALAGOPAL**

**Counsel for Respondent Nos.2 & 3: GP FOR HIGHER EDUCATION**

**Counsel for Respondent No.4 : Mr.A.RAJASEKHAR REDDY, ASSISTANT SOLICITOR GENERAL**

**The Court at the stage of admission, made the following :**

**JUDGMENT: (per the Hon'ble Sri Justice L.Narasimha Reddy)**

The appellant is an aided educational institution. The first respondent is one of its employees. He filed Writ Petition No.21279 of 2004 complaining that the appellant defaulted in making contributions to the Teachers Provident Fund and sought direction to respondent Nos. 2 and 3 herein to take punitive action against the appellant. The Writ Petition was disposed of by the learned single Judge, through Order, dated 23.03.2005 directing that the Commissioner of Intermediate Education, second respondent herein, shall take appropriate decision, on the basis of the report, that may be submitted by the Special Officer-District Vocational Education Officer, Eluru, after conducting enquiry into the matter.

Sri D.V.Sitaramamurthy, learned counsel appearing for the appellant submits that the default in making contributions to the Teachers Provident Fund was on account of certain theft and destruction of office records, committed by dacoits, in the premises of the institution and the subsequent seizure of records by the Anti Corruption Bureau. He submits that the institution is taking steps to ascertain the exact amount to be paid towards contribution so that the accounts may be brought up to date. He also submits that if adequate time is granted to the appellant, it will comply with the requirement as to contribution and punitive action is uncalled for.

Sri K.Balagopal, learned counsel for the first respondent, on the other hand, submits that several representations were made by his client and others, complaining about the non-deposit of the contributions and in fact, the appellant had wrongfully withheld the amounts deducted from the salaries of its employees.

The limited controversy in this Writ Appeal is about the failure on the part of

the appellant in making contributions to the Teachers Provident Fund. The appellant does not dispute its obligation to make such contributions. It pleaded certain grounds as an excuse for the failure on its part. It was in this context that the learned single Judge directed that appropriate action be taken by the second respondent in this regard.

The object of maintaining the Teachers Provident Fund is to ensure payment of accumulated amount to the concerned employee. The appellant had the benefit of making deductions from the salaries of the employees for the purpose of depositing the same to the credit of the Teachers Provident Fund. Whatever may be the justification or otherwise, on the part of the appellant, in not making the deposits, we are of the view that the ends of justice would be met, if reasonable time is granted to it to bring the contributions up to date.

Accordingly, we dispose of the Writ Appeal by modifying the Order of the learned single Judge to the effect that the appellant shall deposit the arrears of contributions to the Teachers Provident Fund by 31.08.2005. The concerned authority to receive the deposits shall accept the same, without taking any objection as to delay in making the contributions. In case, the appellant itself commits default in making the deposits of the amounts, which it is liable to make by 31.08.2005, the course of action, indicated by the learned single Judge, shall become operative.

**(T.MEENA KUMARI, J)**

**(L.NARASIMHA REDDY, J)**

**Dt: 27.04.2005**

bsv/lvl

To

1. The Commissioner of Intermediate Education, Andhra Pradesh, Saifabad,

Hyderabad.
3 The District Educational Officer, Krishna District at Vijayawada.
4 The Senior Superintendent of Post Offices, Vijayawada.

5 The Correspondent, Management of P.R.S.M. National Junior

College, Bhavanipuram, Vijayawada.

5 Two CD copies

6 Two CCs to the Government Pleader for Higher Education, High Court of

A.P., Hyderabad